IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 20959 of 2007(T)

PETITIONER:

MATHEW MOHAN,AGED57,S/O.JOSEPH,
KOLLANNUR HOUSE, NEAR GOVERNMENT PRESS QUARTERS,
SHORNUR,OTTAPALAM TALUK,PALAKKAD DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE LAND ACQUISITION OFFICER,
SPECIAL TAHSILDAR, LAND ACQUISITION,
(GENERAL) NO.1, PALAKKAD.

2. THE DISTRICT COLLECTOR, COLLECTORATE,
PALAKKAD.

3. THE STATE GOVERNMENT,REP.BY THE
SECRETARY, TO THE GOVERNMENT,REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No.20959 OF 2007

Dated this the 12th September, 2007.

J U D G M E N T

The prayer in the writ petition is to issue a direction to the respondents to consider and dispose of the application filed by the petitioner under Section 28A of the Land Acquisition Act.

2. The properties originally belong to Dorcasa, wife of Yoshwa Padinyangadan. According to the respondents, she left four persons as legal heirs, and all the four l heirs of the original owner also passed away. Section 28A application under the Land Acquisition Act was filed by the heirs of two of the children of the original owner. So, the real dispute is as to the entitlement of the petitioner to get the amount.

3. I am of the view that who are all the legal heirs of deceased Dorcasa is a matter to be established by producing necessary evidence such as Succession certificate. It is only just and proper that the Land Acquisition Officer shall issue notice to the petitioner to produce documents to prove their entitlement to get the compensation as successors in interest of the original owner Dorcasa.

4. The learned counsel appearing for the petitioner, submits that initially the Land Acquisition Officer had refused to release the award amount to the claimants, and the same was deposited before the Sub Court, under Section 31(2) of the Land Acquisition Act. It is submitted that the legal heirs of Dorcasa were impleaded in the L.A.R. of 1998 pending before the Land Acquisition Court. It is open to the petitioners to produce that document also. On production of such proof, the Land Acquisition Officer shall consider Ext.P1 application and pass appropriate orders.

In the result, the writ petition is disposed of in the following manner. Three weeks' time granted to the petitioner to produce the documents, and the details of the heirs of Dorcasa, before the Land Acquisition Officer. On receipt of such details, the Land Acquisition Officer shall dispose of the application filed by the petitioner, in accordance with law, with due notice to the petitioner and other heirs, as expeditiously as possible, at any rate, within three months from the date of receipt of the documents.

K.PADMANABHAN NAIR,
JUDGE

nj.